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Chris Daniel - District Clerk
Harris County
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By: Nelson Cuero

2013-50000 / Court: 269

CAUSE NO. _____

SANDRA K. BLEVINS § IN THE DISTRICT COURT OF
 §
VS. § HARRIS COUNTY, T E X A S
 §
WAL-MART STORES, INC., WAL-MART §
STORES TEXAS, LLC AND WAL-MART §
STORES EAST, LP. § _____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, SANDRA K. BLEVINS, Plaintiff in the above-styled and numbered cause, complaining of WAL-MART STORES, INC., WAL-MART STORES TEXAS, LLC and WAL-MART STORES EAST, LP., Defendants herein, and for cause of action would show the Court the following:

I.
DISCOVERY LEVEL

Plaintiff intends to conduct discovery in this matter under Level 3 of Tex. R. Civ. P. 190.

II.
PARTIES

Plaintiff is a resident of Harris County, Texas. The last 3 numbers of Plaintiff's social security number are 540.

Defendant WAL-MART STORES, INC. is a corporation doing business in the state of Texas for the purpose of accumulating monetary profits and is organized and existing under the laws of the State of Delaware with a regular place of business at 702 SW 8th Street, Bentonville, Arkansas 72716. WAL-MART STORES, INC. may be served with process by serving it registered agent for service of process, CT Corporation System, 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201.

EXHIBIT

A

Defendant WAL-MART STORES TEXAS, LLC is a corporation doing business in the state of Texas for the purpose of accumulating monetary profits and is organized and existing under the laws of the State of Delaware with a regular place of business at 702 SW 8th Street, Bentonville, Arkansas 72716. WAL-MART STORES TEXAS, LLC may be served with process by serving it registered agent for service of process, CT Corporation System, 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201.

Defendant WAL-MART STORES EAST, LP is a limited partnership doing business in the state of Texas for the purpose of accumulating monetary profits and is organized and existing under the laws of the State of Delaware with a regular place of business at 702 SW 8th Street, Bentonville, Arkansas 72716. WAL-MART STORES EAST, LP may be served with process by serving it registered agent for service of process, CT Corporation System, 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201.

III.

VENUE

Venue is proper and maintainable in Harris County, Texas, since all or a substantial part of the events or omissions giving rise to the claim occurred in said county.

This court has jurisdiction by reason of the above and since Plaintiff's damages exceed the minimum jurisdictional requirements of this court. Pursuant to TRCP 47(c), Plaintiffs seek monetary recovery of over \$500,000 but less than \$1 million.

IV.

BACKGROUND

This suit is brought as a result of an incident that occurred on or about August 26, 2011, at Walmart Store #744 in Humble, Texas. On said date, Plaintiff Sandra Blevins was shopping at

Walmart Store #744 in Humble, Texas. Ms. Blevins entered an aisle located in the store's frozen food section wherein half of the aisle was dedicated to frozen food and the other to baked goods. Ms. Blevins left her cart at the mouth of the aisle, walked approximately half-way down the aisle, selected a loaf of bread, and turned to walk back to her grocery cart. After taking a few steps, she slipped in water and fell, landing on her right knee. This fall caused Plaintiff to sustain serious and debilitating injuries.

The water on the floor was a dangerous condition which the Defendants, its agents, servants and employees knew existed or in the exercise of ordinary care should have known existed.

On information and belief the Defendants own and operate the premises in question and employee the individuals who were responsible for creating the dangerous condition.

V.
LIABILITY

A. NEGLIGENCE CLAIM AGAINST DEFENDANTS

Defendants owed Plaintiff a duty to furnish her a safe place to shop. Defendants failed in that respect, causing and resulting in the injuries and damages sustained by Plaintiff.

Plaintiff would show that the Defendants were negligent through acts and omissions, jointly and severally, by and through their agents, servants, borrowed servants and/or employees, acting in the course and scope of their respective employments, individually and/or collectively. The incident was proximately caused by the negligence of Defendants in failing to provide a safe place to shop, and in failing to clean up and/or warn store patrons of the existence of condensation on the floor of the frozen food aisle after frozen goods were stocked. Such negligent conduct proximately caused the occurrence and Plaintiff's resulting injuries and damages.

Nothing Plaintiff did or failed to do on the occasion in question caused or in any way contributed to cause her injuries.

B. PREMISES DEFECT CLAIMS AGAINST ALL DEFENDANTS

In addition, Plaintiff was an invitee of the Defendant. At the time Plaintiff arrived at the frozen food aisle, there existed a defect in the premises in the form of condensation on the floor left behind by store employees who had recently re-stocked the shelves with frozen goods. This unreasonably dangerous condition ultimately led to the accident made the basis of this suit. Although Defendant knew or should have known that condensation would drip from the packages of frozen foods while store employees transferred the goods from pallets to the freezer, Defendant failed to warn Plaintiff of the dangerous condition and failed to otherwise exercise ordinary care to make the defective premises condition reasonably safe and protect Plaintiff from this dangerous condition. This foreseeable premises defect was a proximate cause of the accident and Ms. Blevins' injuries.

VI.
DAMAGES

As a result of this incident, and the actions and conduct of the Defendant set forth above, Plaintiff Sandra Blevins has suffered serious and debilitating bodily injuries and damages. By reason of those injuries and the damages flowing in law therefrom, this suit is maintained. Because of the nature and severity of the injuries Plaintiff sustained, she has suffered physical pain and debilitating injuries, and mental anguish and, in reasonable probability, will continue to suffer physical pain and mental anguish into the future. She has suffered and will continue to suffer disfigurement, physical impairment and loss of life's enjoyment. The injuries sustained by Plaintiff have required medical treatment in the past and, in reasonable probability, will require other and additional medical

treatment in the future. Charges incurred by Plaintiff for such medical treatment made in the past and those which will in reasonable probability be made in the future have been and will be reasonable charges made necessary by the incident in question.

VII.

Plaintiff asserts that she is entitled to damages in excess of the minimum jurisdictional amount of this Honorable Court.

VIII.

Plaintiff specifically pleads for pre-judgment interest and post-judgment interest at the maximum legal rate.

IX.

REQUEST FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose, within 50 days of the service of this request, the information or materials described in Rule 194.2(a)-(k) of the Texas Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Defendants be cited to appear and answer, and that on final trial hereof Plaintiff have judgment against the Defendants for (1) actual, compensatory damages in accordance with the evidence; (2) pre-judgment and post-judgment interest as provided by law; (3) costs of suit; (4) and such other and further relief to which Plaintiff may be justly entitled at law and in equity.

Respectfully Submitted,

THE BICKHAM LAW FIRM

/s/David A. Bickham
DAVID A. BICKHAM
Attorney at Law
SBOT 02295300
3120 Southwest Frwy, Suite 650
Houston, TX 77098
Telephone: (713)789-4361
Telecopier: (713)523-1816

ATTORNEY FOR PLAINTIFF



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this August 26, 2013

Certified Document Number: 57060789 Total Pages: 6

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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